

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Shane Lewis Vigil*Defendant(s)***FILED**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOCase No. 15-MJ-2573 JUL 23 2015**MATTHEW J. DYKMAN**
CLERK**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/20/2015-07/21/2015 in the county of Rio Arriba in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 U.S.C. 113 (a)(3)	Assault with a dangerous weapon.
Title 18 U.S.C. 113 (a)(6)	Assault resulting in serious bodily injury.
Title 18 U.S.C. 1153	Crimes occurring in Indian Country.

This criminal complaint is based on these facts:
See attached affidavit.☒ Continued on the attached sheet.*Complainant's signature*

W. Monty Waldron, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: July 23, 2015*Judge's signature*City and state: Farmington, New Mexico

B. Paul Briones, US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

AFFIDAVIT

I, the undersigned, being duly sworn, depose, and state as follows:

I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation (FBI) and have been employed as such since 2007. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency. I have primary investigative responsibility for investigating crimes that occur in Indian Country, including violent crimes such as homicide, robbery, arson, aggravated assault, and sexual assault. The information set forth in this affidavit has been derived from an investigation conducted by affiant, and/or communicated to me by other law enforcement officers.

1. On 07/21/2015, your affiant was contacted by a social worker at the San Juan Regional hospital about a Native American female from the Jicarilla Apache Indian Reservation who had been admitted to the San Juan Regional Medical Center (SJPMC) after being severely beaten with a baseball bat. The social worker advised your affiant that the medical staff was extremely concerned about the victim's injuries and personal security.

2. On the evening of 07/21/2015, your affiant responded to the SJPMC located in Farmington, New Mexico and made contact with the Native American female victim (hereinafter referred to as Jane Doe) and family members of Jane Doe. Your affiant interviewed Jane Doe in Jane Doe's room at the SJPMC Emergency Department. Jane Doe advised that she resides in Dulce, New Mexico with her boyfriend Shane Lewis

Vigil (hereinafter referred to as Vigil). During the night of 07/20/2015, Jane Doe was home alone and fell asleep on the couch in the living room of her residence. At some point Vigil came home and asked Jane Doe who had come by the house while he was gone. Jane Doe told Vigil that nobody had come by the house. Vigil then struck Jane Doe with his fist, knocking her to the floor. Jane Doe then got up and went to sit on the couch. Vigil continued to talk to Jane Doe and then again hit her while she was sitting on the couch. Jane Doe reported that she then got up and was looking out the front window of her residence when Vigil hit her with a silver metal baseball bat. Vigil then suggested that the two go for a ride. Jane Doe reported that she did not want to go, so she ran to a nearby neighbor's residence, knocked on the door and cried for help. Nobody responded to the door and Vigil dragged Jane Doe off of the porch and into their car. Vigil drove the car on the back road from Dulce, New Mexico to Pagosa Springs, Colorado. At some point in the drive, Vigil stopped the car, made Jane Doe get out and hit her with the baseball bat. The two then got back in the car and Vigil again struck Jane Doe with the baseball bat and with his fists. Vigil again continued to drive until he stopped the car by a gate. Vigil made Jane Doe get out of the car and hit her again with the bat. After knocking Jane Doe to the ground, he instructed her to get up. After Jane Doe got up, he knocked her to the ground again. Jane Doe recalled that this continued for approximately twenty to thirty minutes. Vigil then drove the two back to their residence. Jane Doe was unable to walk, so Vigil had to carry her into the house and to the bedroom. Vigil provided some aid to Jane Doe, but then got angry again and hit her twice in the right eye with his fist. After that, Vigil and Jane Doe went to sleep. Vigil woke up and went to work at approximately 07:00 A.M. Jane Doe advised that later during the day of

07/21/2015, she woke up and heard some construction workers outside. Jane Doe opened the front door of her residence, called to the construction workers and asked if they could call for medical help for her. An ambulance arrived and transported Jane Doe to the medical clinic in Dulce, New Mexico and then to the SJRMC.

3. Jane Doe advised your affiant that she had been previously hospitalized at the SJRMC due to injuries she sustained as a result of being assaulted by Vigil. On 07/03/2015 Jane Doe travelled to Farmington, New Mexico with Vigil to watch the fireworks show. Jane Doe and Vigil both drank alcohol on that evening. During the drive home, Vigil grew upset with the Jane Doe and severely beat her. As a result of this beating, Jane Doe was admitted to the SJRMC on or about 07/03/2015 or 07/04/2015 and spent approximately one week in the hospital. Jane Doe advised that during this previous hospital visit, her abdomen had been cut open during an operation to treat her injuries.

4. On 07/21/2015, your affiant spoke with the Medical Doctor (M.D.) who was providing medical treatment to Jane Doe for her current, 07/21/2015, admission to the hospital. The M.D. advised that Jane Doe suffered the following injuries as a result of the current hospital visit: a right medial orbital wall fracture; a left lamina papyracea fracture; a closed head injury or concussion with loss of consciousness; a fracture of the third metacarpal on the left hand; lacerations of the scalp, right hand and right leg; and numerous contusions over Jane Doe's body.

5. On 07/21/2015, SA Waldron interviewed Jane Doe's parents at the SJRMC. Jane Doe's parents advised that sometime after 4:00 P.M. on 07/21/2015 two social workers came to their residence in Dulce, New Mexico to tell them about the assault on their daughter. Jane Doe's parents advised that their daughter has been in a relationship with

Vigil for over two years. Jane Doe's residence in Dulce, New Mexico is rented in Jane Doe's name and Vigil is not supposed to be living there because his name is not on the contract.

6. On 07/22/2015, Special Agents of the FBI Farmington Resident Agency obtained consent to search Jane Doe's residence located in Dulce, New Mexico. This residence is located within the exterior boundaries of the Jicarilla Apache Indian Reservation. At approximately 11:56 A.M., your affiant and Jicarilla Apache Police Lieutenant Stephen Montano conducted a consent search of the residence. During the search of the residence, dried red substances appearing to be blood was splattered in various locations that had been described during the previous interview of Jane Doe. A search of the closet in the bedroom revealed a pile of dirty clothes. Several of the clothing items appeared stained with a dark red substance. In addition, a wallet was visible sitting on the television stand in the living room. Sitting on top of the wallet was a New Mexico driver's license issued to Shane Vigil.

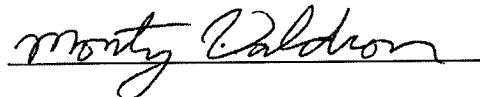
7. On 07/22/2015, your affiant contacted neighbors of Jane Doe. The neighbors advised that on the night of 07/20/2015, they heard a scream coming from the vicinity of Jane Doe's residence. They then heard noises on their front porch, heard banging on their door, heard the front doorbell ring and heard a female's voice yell "help me." When the neighbors opened their front door they saw Vigil getting into a car. As he was getting into the car he dropped something that made a metallic or aluminum sound as it hit the ground. Vigil got out of the car, picked the item up, and put it inside the car. When Vigil got out of the car, the neighbors heard the horn of the car honking. Vigil got back into

the car and drove off. The neighbors observed the car speed off and then turn eastbound on United States Highway 64 towards Lumberton, New Mexico.

8. On 07/22/2015, your affiant verified that Jane Doe is a registered member of the Jicarilla Apache Indian Tribe.

9. On 07/22/2015, your affiant verified that Vigil is a registered member of the Jicarilla Apache Indian Tribe.

10. Based on the aforementioned facts, your affiant respectfully submits, that probable cause exists to charge Shane Lewis Vigil who is an enrolled member of the Jicarilla Apache Indian Tribe and with a year of birth of 1986, with violation of Title 18 U.S.C. 113 (a)(3), assault with a dangerous weapon, Title 18 U.S.C. 113 (a)(6), assault resulting in serious bodily injury and that the above occurred within the boundaries of the Jicarilla Apache Indian Reservation, in violation of Title 18, U.S.C. 1153, crime occurring in Indian Country. I swear this information to be true and correct to the best of my knowledge and belief.



W. Monty Waldron, Special Agent
Federal Bureau of Investigation
Farmington Resident Agency
Farmington, New Mexico

Subscribed and sworn before me this 23rd day of July 2015.



U.S. Magistrate Judge
Paul Briones, US Magistrate Judge